Docket No. 0575/65219-A/JPW/PJP/BJAIN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant(s): Michael Rosen et al.Serial No. : 09/898,417 Examiner: Brian WhitemanFiled : July 3, 2001 Group Art Unit: 1635For : A HIGH THROUGHPUT BIOLOGICAL HEART RATE MONITOR THAT IS MOLECULARLY DETERMINED

Mail Stop Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: February 18, 2005

Sir:

Transmitted herewith is an amendment to the above-identified application.

X Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.

       A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.

X No additional fee is required.

The filing fee is calculated as follows:

|  | Number after Amendment | Highest Number Previously Paid For <sup>1</sup> | Number of Extra Claims Presented | RATE                      |              |   | FEE          |              |
|--|------------------------|---|----------------------------------|---------------------------|--------------|---|--------------|--------------|
|  |                        |   |                                  | Small Entity              | Other Entity |   | Small Entity | Other Entity |
| Total Claims   | 16 -                   | * 31 =  | *** 0 X                          | \$25                      | \$50         | = | 0            |              |
| Independent Claims   | 1 -                    | ** 6 =  | *** 0 X                          | \$100                     | \$200        | = | 0            |              |
| Multiple Dependent Claim(s) Presented For First Time <u>      </u> Yes <u>X</u> No |                        |   |                                  | \$180                     | \$360        | = | 0            |              |
|  |                        |   |                                  | TOTAL ADDITIONAL FEE \$ 0 |              |   |              |              |

<sup>1</sup> The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.

\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".

Applicant(s): Michael Rosen et al.

Serial No. : 09/898,417

Filed : July 3, 2001

Amendment Transmittal Letter

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The following are also enclosed:

☒ One additional copy of this Amendment Transmittal Letter

☒ Return Receipt Postcard

☐ An Information Disclosure Statement, including Form PTO-1449

(Copies of citations included: Yes ☐ No ☐

and a fee of \$ ☐ included)

☐ A Petition for an Extension of Time, including a fee of \$ ☐ for a Petition for ☐ Month(s) Extension of Time

☐ Other (identify): ☐

THE TOTAL FEE DUE IS \$ ☐ 0 ☐.

☐ A check in the amount of \$ ☐ is enclosed.

☐ Please charge Deposit Account No. ☐ in the amount of \$ ☐.

☒ The Commissioner is hereby authorized to charge any additional fees required or credit any overpayment to Deposit Account No. 03-3125 as follows:


☒ Fees under 37 C.F.R. §1.16 for the presentation of extra claims  
☐ Patent application processing fees under 37 C.F.R. §1.17

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22312-1450.

 2/18/05  
Peter J. Phillips Date

Reg. No. 29,691



Dkt. 0575/65219-A/JPW/PJP/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael R. Rosen, et al  
U.S. Serial No.: 09/898,417 Examiner: B. Whiteman  
Filed: July 3, 2001 Group Art Unit: 1635  
For: A HIGH THROUGHPUT BIOLOGICAL HEART RATE THAT  
IS MOLECULARLY DETERMINED

1185 Ave of the Americas  
New York, New York 10036  
February 18, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT IN RESPONSE TO NOVEMBER 19, 2004  
FINAL OFFICE ACTION

This Amendment is submitted in response to the Final Office Action issued November 19, 2004 by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the November 19, 2004 Office Action is due February 19, 2005. Accordingly, this Amendment is being timely filed.

Please amend the subject application as follows: